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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,052	10/05/2000	Simon Haig Melikian	Imaging 1	7329

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EXAMINER

CHANG, JON CARLTON

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/680,052	Applicant(s) MELIKIAN ET AL	
	Examiner Jon Chang	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,6-11,13,14,19,20,22,24,25 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,4,6-11,13,14,19,20,22,24 and 25 is/are allowed.
- 6) ☒ Claim(s) 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Applicants' Amendment and Arguments

1. The amendment filed, February 16, 2005, has been entered and made of record. Claims 1-2, 5, 12, 15-18, 21, 23 and 26-29 have been cancelled. Claims 3, 6, 13, 19 and 20 have been amended. Claim 30 has been added. Claims 3-4, 6-11, 13-14, 19-20, 22, 24-25 and 30 are pending.

With regard to the drawing requirement, the Examiner withdraws the requirement. A review of the Application papers has confirmed that drawings were filed on January 12, 2004.

In response to the amendment, the objection to claims 3, 6, 13, 19 and 20 is withdrawn.

The cancellation of claims 1-2, 5, 12, 15-18, 21, 23 and 26-29 renders moot the rejections under 35 U.S.C. §§ 102 and 103.

Applicants' argument on page 30, regarding claim 30, has been fully considered, but is not persuasive. Applicants allege that claim 30 is allowable. However, for reasons as will be apparent from the rejections below, claim 30 is not allowable in the Examiner's view.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 30 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,648,024 to Kato et al. (hereinafter "Kato").

As to claim 30, Kato discloses a method for measuring curvature of a contour in an image, the method comprising:

locating an index point corresponding to a point along the contour (Fig.3, point P_A);

establishing a front point (Fig.3, point P_1) and a back point relative (Fig.3, point P_2) to the index point, the front point and the back point defining a stick vector (the vector is established by the line segment joining points P_1 and P_2);

establishing a distance (h) measured from the index point to a point perpendicular to the stick vector (Fig.3, distance t); and

correlating the distance (h) to an amount representative of the curvature of the contour (column 2, lines 1-10; note that the distance t correlates to the curvature via equations (2) and (3)).

4. Claim 30 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,611,036 to Berend et al. (hereinafter "Berend").

Regarding claim 30, Berend discloses a method for measuring curvature of a contour in an image, the method comprising:

locating an index point corresponding to a point along the contour (Fig.46, the point of intersection of the stroke outline and the line segment labeled as Δc);

establishing a front point and a back point relative to the index point, the front point and the back point defining a stick vector (the points at which the dotted line, labeled "Linear Approximation," intersect with the stroke outline);

establishing a distance (h) measured from the index point to a point perpendicular to the stick vector (Fig.46, the line segment labeled as Δc ; note at column 22, lines 15-16, the shortest distance, e.g., the perpendicular distance, can be used) and

correlating the distance (h) to an amount representative of the curvature of the contour (The Δc , the error measure, is inherently correlated to an amount representative to the curvature of the contour, by the relation given at column 22, lines 10-11. The greater the curvature, the more the curve deviates from the linear approximation, the greater the error Δc).

Allowable Subject Matter

5. Claims 3-4, 6-11, 13-14, 19-20 , 22, 24-25 are allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon Chang whose telephone number is (571) 272-7417. The examiner can normally be reached on M-F 8:00 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (571)272-7414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jon Chang", is positioned above the printed name and title.

Jon Chang
Primary Examiner
Art Unit 2623

Jon Chang
May 29, 2005